

MARYLAND PUBLIC INFORMATION ACT (PIA)

The public's right to information about government activities lies at the heart of a democratic government.

Mediation Metric Report of the Public Access Ombudsman

FY 2020 - Annual Report
July 1, 2019 to June 30, 2020



Annual Report
FY 2020

495 FY 2020

- ♦ 262 -Mediation requests
- ♦ 235 -Other/"help-desk" inquiries

The Big Picture: Mediation Matters!

Early resolution of disputes saves time and resources and increases public knowledge and awareness of the PIA process. Mediation is entirely voluntary, confidential, and in many cases doesn't require an attorney.

Total Mediation Cases, as of June 30, 2020

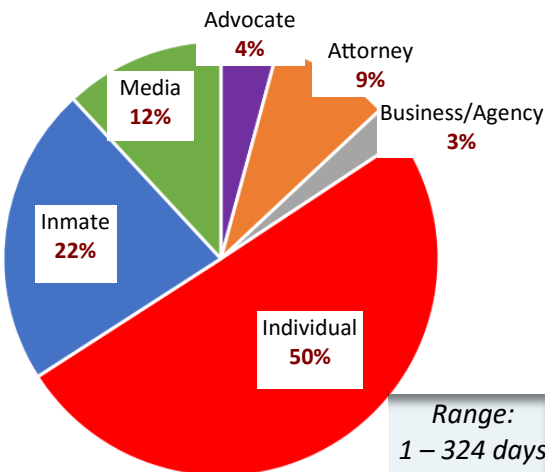
Carry over from FY 2019	19
New/Incoming cases in FY2020	262
Total Number of Mediation cases	281
Total Mediation cases Closed FY 2020	235
Mediation cases carried over to FY 2021	46

The Agencies

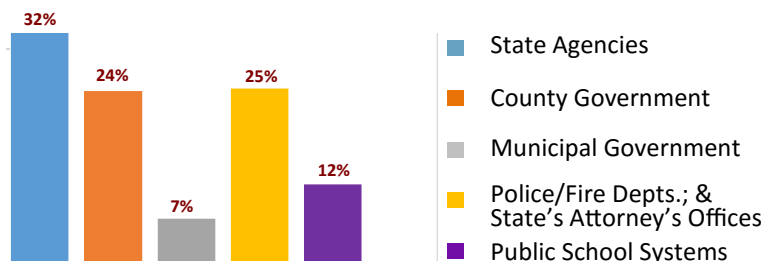
118 unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2020, including agencies at the state, county, and municipal levels.

The Requestors

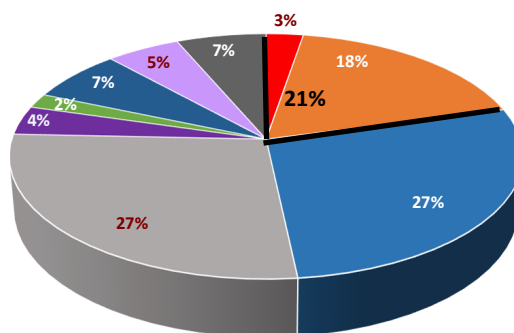
Aggregated Requestors: Professional/Occupational categories make up 28% of requests for assistance and all individuals make up 72%.



What Agencies are Participating in Mediation?

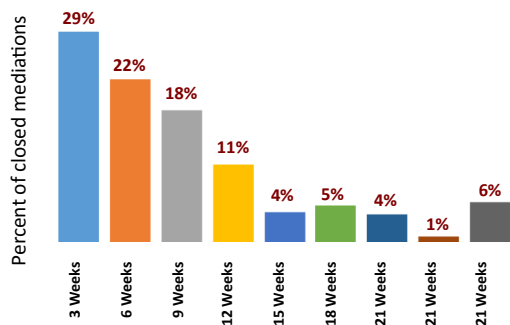


What are the PIA disputes?



Disputes are presented as framed by the requestor. Characterizations are based on how the requestors describe the issues. These are not findings.

How Long does Mediation Take?



Range: 1 – 324 days.
29% of the cases are closed within 3 weeks and 81% by 90 days.

- Misapplication of exemption – 21%
- Redaction inappropriate – 3%
- Entire record withheld – 18%
- MIA: No Response – 27%
- Partial, nonresponsive, or incomplete response – 27%

- Fees excessive - 4%
- Fee waiver request denied or ignored – 2%
- Does not believe response – 7%
- Asked for explanation of response – 5%
- Other - 7%

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Ombudsman's Website:

<http://piaombuds.maryland.gov>

**MPIA Ombudsman
on Twitter
@MPIA_Ombuds**

2020 Legislative Session

The only bill fully endorsed by the Public Access Ombudsman and PIA Compliance Board is HB 502/SB590. Legislative session was shortened due to COVID-19 State of Emergency and Pandemic. All bills were 'Adjourned Sine Die'.

- **HB 502/SB 590** Public Information Act - Revisions. Based on the Ombudsman's and PIA Compliance Board's report on the PIA published December 31, 2019.
- **HB 42/SB 67** Public Information Act - Applications for Inspection - Responses and Time Limits
- **HB 372** Public Information Act - Required Denials for Specific Information - Sociological Information
- **HB 380/SB 193** Public Information Act - Denial of Part of a Public Record - Investigations by Inspectors General
- **HB 401/SB 758** Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)
- **HB717/SB 514** Public Information Act - Required Denials - Distribution Lists

Open Matters-Blog of the Public Access Ombudsman

- **Update on Agency PIA Practices during the Pandemic.** 5/28/20
- **Importance of Accurate PIA Custodian Contact Information.** 04/06/2020
- **Guidance to Governmental Custodians Regarding PIA Timelines during the COVID-19 Crisis.** 03/23/202
- **Ombudsman and members of the PIA Compliance Board unanimously support HB 502 / SB 590.** 02/14/2020
- **Records Management and the Public Information Act.** 01/07/2020
- **Highlights From The PIA Compliance Board's Opinions.** 08/14/2019
- **Where Are My Records?** 07/12/2019
- **Assessing Fees for PIA Requests.** 07/03/2019

RESOURCES/LINKS

- ♦ **MD Office of the Attorney General—PIA Manual** 14th Edition: http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf
The PIA Manual includes Appendix J a List of Public Record Custodians.
- ♦ **MD State Archives:** <http://msa.maryland.gov> is a resource for custodians' record management and retention practices.
- ♦ **Office of Government Information Services** (OGIS – FOIA) <https://www.archives.gov/ogis>
- ♦ **Federal FOIA (Freedom of Information Act)** : <https://www.foia.gov/>
- ♦ **PUBLIC ACCESS OMBUDSMAN**
 - * **Request for Mediation Form:** <https://news.maryland.gov/mpiaombuds/request-mediation>
 - * **Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>
- ♦ **DC Office of Open Government:** <https://www.open-dc.gov/office-open-government>

Outreach FY 2020

July 1, 2019 – June 30, 2020

Presentations, Workshops, Trainings, and Other Outreach 2020

Due to the COVID-19 state of emergency the Public Access Ombudsman's Office canceled three scheduled in-person trainings in April 2020.

- PIACB Annual Meeting Presentation, July 29

2019

- PIA Compliance Board, Discussion of PIA Research Report, December 17
- PIA Compliance Board, Discussion of PIA Research Report. Preliminary Findings, Nov. 5
- Maryland Association of Counties, County Attorneys, November 13
- Maryland Association of Counties, Winter Conference, November 20
- Wicomico County Public Schools, October 17
- Maryland State Bar Association, October 25
- Local Government Insurance Trust, October 31
- Veterans of Jessup Correctional Institution, September 25
- Maryland Municipal Clerks Association, September 19
- Open Government Advocacy Network meeting hosted by the ACLU, September 19
- PIACB Annual Meeting Presentation on PIA Research Report, August 19
- Maryland Association of Counties, Summer Conference, August 14
- Veterans of Jessup Correctional Institution, July 10

Select Publications

Publications can be found on the Ombudsman's Website at <https://news.maryland.gov/mpiaombuds/paoresources/>.

- **Ombudsman comments**, included as an Appendix to the 2020 Annual Report of the PIA Compliance Board. September 2020
- **Testimony of the Ombudsman** submitted to the House Health and Government Operations Committee concerning 2021 HB 183. February 2021
- **Final Report on the Public Information Act.** Submitted by the PIA Compliance Board and the Public Access Ombudsman and pursuant to Committee Narrative in the Report on the Fiscal 2020 State Operating Budget and the State Capital Budget. December 27, 2019
- **Public Access Ombudsman's Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>, June 2019
- **HB 1105 Report:** Ombudsman's Report Concerning the Howard County Public School System's Handling of Requests Under the Public Information Act. December 30, 2016

